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Electronic Public
Access Program

August 25, 2005

MEMORANDUM TO CLERKS, UNITED STATES COURTS

**SUBJECT: Communication to PACER Customers of Limitations on Fee-Exempt
PACER Accounts (ACTION REQUESTED)**

I am writing to inform you of the need to communicate to the holders of fee-exempt PACER accounts in your court about the limitations that the Electronic Public Access (EPA) Fee Schedule places on the use of fee-exempt accounts.

As you know, the EPA Fee Schedule,¹ approved by the Judicial Conference, allows certain users to have PACER accounts that do not incur fees. Generally, these users are either performing work that is funded through judiciary appropriations (for example, judiciary employees or private attorneys appointed to represent criminal case defendants under the Criminal Justice Act, 18 U.S.C. § 3006A) or have been granted a fee exemption by order of the court.²

The EPA Fee Schedule also sets forth limitations on the use of fee-exempt accounts. For example, holders of fee-exempt accounts may not resell the data they receive from the account. To ensure that PACER customers with fee-exempt accounts are aware of these limitations, the PACER Service Center will be sending a memorandum (copy attached) to the holders of fee-exempt accounts held by employees of the judiciary,

¹A copy of the EPA Fee Schedule is available on the J-Net at
http://pspsc.psc.ao.dcn/documents/epafee_sched.pdf.

²Customers eligible for this type of exemption are indigents, bankruptcy case trustees, individual researchers associated with educational institutions, courts, section 501(c)(3) not-for-profit organizations and pro bono ADR neutrals who make the requisite showing that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

or persons whose work is funded through judiciary appropriations under the Criminal Justice Act. By sending this memorandum, the EPA Program Office seeks to ensure that the holders of fee-exempt accounts are aware of the limitations that the Judicial Conference has placed on the use of the accounts.

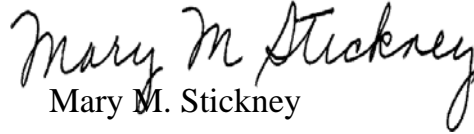
Additionally, I ask that clerks of court similarly notify all PACER customers who have fee-exempt accounts as a result of an order from the court. Please notify the account holders that:

1. The fee exemption applies only to access related to the case or purpose for which it was given;
2. The fee exemption is non-transferrable and should not be shared outside of the customer's immediate office staff;
3. By accepting the fee-exempt account, the customer agrees not to sell for profit the data obtained as a result of the fee exempt access;
4. The customer should change his or her password at least every 90 days;
5. The customer is responsible for preventing unauthorized use of the login and password;
6. The customer must notify the PACER Service Center immediately if he or she believes there has been unauthorized use of the account;
7. Account usage may be monitored to ensure that the amount of usage is consistent with this fee exemption; and
8. The court may terminate the fee exemption at any time.

Fee exemptions are applied at the account level, rather than at the transaction level. As a result, PACER customers may have two accounts, one for fee-exempt work, and a second account that incurs fees. If a second account is necessary, the registration process is easy to do at <http://pacer.psc.uscourts.gov/register.html>.

If you have any questions about the EPA Fee Schedule, or the application of the fee exemption policy, please contact Susan Del Monte, EPA Program Attorney Advisor, at (202) 502-1500 or via email at *Susan Del Monte/DCA/AO/USCOURTS*.

Additional information about the EPA Fee Exemption policy is available on the J-Net at
<http://epa.ao.dcn/epa/exemptions/>


Mary M. Stickney

Attachment



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(Date)

(Account holder)
(Account address)
(address)
(address)

Re: PACER Account number _____.

This letter is being sent to all holders of PACER accounts that qualify for a fee exemption for work funded through judiciary appropriations (e.g., appointments under the Criminal Justice Act, 18 U.S.C. § 3006A). It is sent as a reminder of the limitations on the use of the accounts.

Our records indicate that this PACER account is exempt from the fees imposed by the Electronic Public Access Fee Schedule approved by the Judicial Conference of the United States Courts. The Fee Schedule sets forth limitations that apply to all fee-exempt accounts:

- The fee exemption applies only to access related to the case or purpose for which it was given;
- The fee exemption is non-transferrable and should not be shared outside of the account holder's immediate office staff;
- The data obtained as a result of the fee exempt access may not be sold for profit;
- The account holder is responsible for preventing unauthorized use of the login and password;
- The account holder must notify the PACER Service Center immediately at (800) 676-6856 if they believe there has been unauthorized use of the account;
- Account usage may be monitored to ensure that the amount of usage is consistent with this fee exemption; and
- The court may terminate the fee exemption at any time.

Additionally, to ensure the integrity of the PACER system, the password on the account must be changed at least every 90 days. To change your password, visit the PACER Service Center's website at <http://pacer.uscourts.gov>, then click on Account Information and login.

If you have any questions about this account's fee-exempt status, please contact the PACER Service Center at (800) 676-6856.

Mary M. Stickney